

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X      **05-CV-8936**  
MAURICE MCKAY

Plaintiff,

- against -

TRIBOROUGH BRIDGE AND TUNNEL  
AUTHORITY ("TBTA"), TBTA POLICE OFFICER  
MICHAEL CHIAIA, Shield #2507, TBTA POLICE  
OFFICER JOSE VASQUEZ, TBTA POLICE OFFICER  
CLARENCE WHITAKER, Shield #422, TBTA  
POLICE OFFICER MICHAEL ALBANO, TBTA and  
POLICE OFFICER MICHAEL ZINO,

Defendants.

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**PROPOSED VOIR DIRE QUESTIONS**

Defendants, Triborough Bridge And Tunnel Authority (TBTA), TBTA Police Officer Michael Chiaia, TBTA Police Officer Jose Vasquez, Police Officer, Clarence Whitaker, TBTA Police Officer Michael Albano, TBTA Police Officer Michael Zino, by and through their attorneys, BARRY, McTIERNAN & MOORE hereby requests that this Court propound the following questions to the prospective jurors in the above-captioned matter:

1. The defendants in the case are as follows:
  - (a) Triborough Bridge and Tunnel Authority (TBTA)
  - (b) TBTA Police Officer Michael Chiaia, Shield # 2507
  - (c) TBTA Police Officer Jose Vasquez
  - (d) TBTA Police Officer Clarence Whitaker, Shield # 422
  - (e) TBTA Police Officer Michael Albano
  - (f) TBTA Police Officer Michael Zino

Is any member of the jury panel familiar with any of the parties in this case or employed by any of the parties in this case?

3. The attorneys in the case in as follows:

- (a) David A. Zelman, Esq.  
612 Eastern Parkway  
Brooklyn, NY 11225 for plaintiff, Maurice McKay
- (c) Suzanne Halbardier, Esq. and John W. Wynne, Esq.  
Barry McTiernan & Moore, New York,  
New York, attorney for the TBTA Defendants

Is any member of the jury panel familiar with the attorneys in this case or their law firms?

4. The following fact witnesses may testify in this case:

- (a) Maurice McKay
- (b) P.O. Michael Chaia
- (c) P.O. Jose Vasquez
- (d) P.O. Clarence Whitaker
- (e) P.O. Michael Albano
- (f) P.O. Michael Zino

**Expert Witnesses:**

5. Gabriele Stutman, Ph.D.

Is any member of the jury panel familiar with any of these witnesses?

6. This matter involves the Triborough Bridge and Tunnel Authority Police Department.

Is any member of the jury panel familiar with the TBTA Police Department or are any member of the panel an employee of the TBTA or the TBTA Police Department?

7. Has any member of the panel been pulled over or arrested by the TBTA?  
Has any member of the panel had a negative experience with the TBTA or its workers? If so, would that experience affect your ability to be fair and impartial in this case?

8. Has any member of the panel ever been the target of police misconduct?

If so, would that experience affect your ability to be fair and impartial in this case?

9. Do any of the members of the panel own cars?
10. Do any of the members of the panel own cell phones?
11. Those of which own cars, have you ever talked on the cell phone while driving without a legal handset? Have you ever been pulled over because of this?
12. Have you, any members of your immediate family or close personal friends been involved in a lawsuit or claim against another person, as either the party bringing the claim or defending the claim? The claims could include any injuries or damages, including assault and battery. If so, with that experience affect your ability to be fair and impartial in this case?
13. Have you or any members of your immediate family or close personal friends been injured as a result of another person's negligence or intentional misconduct? If so, would that experience affect your ability to be fair and impartial in this case?

#### **General Background Information**

1. Is any member of the panel currently or has ever been employed by The TBTA?
2. Does any member of the panel have any close friends or family members currently employed by The TBTA in the past?
3. Does anyone either work in the law enforcement field, either presently or in the past or have any close friends or family members that are currently employed in the law enforcement or have been in the past?
4. Is any member of the panel currently employed in the legal profession or has ever been so employed in the past?
5. Does any member of the panel have family members or close friends who are either currently employed in the legal profession or have been in the past?
6. Have you ever served on a jury before? Civil or Criminal?

7. Do you have any preconceived notions, prejudices or feelings about people who bring lawsuits or make claims for injuries they have sustained arising out of someone else's negligence or intentional misconduct.

8. Do you feel that you have any difficulty following the Court's instructions on the law, whether or not you happen to agree with the law as it exists?

9. Have you or any members of your family or close personal friends had any experiences that you believe would prevent you from rendering a fair and impartial verdict on this case.

10. Do you have any physical problems or personal commitment problems that would prevent you from sitting on this jury for several days?

11. Do you believe that you would have any problems for any reason at all rendering a fair and impartial verdict on this case?

Respectfully Submitted,

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John V. Wynne (JVW )

Dated: New York, New York  
November 23, 2007